**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.189 OF 2005**

**IN**

**WRIT PETITON NO.4006 OF 1998**

Maharashtra Fine Chemicals ..Applicant.

V/s.

Suryakant N. Naik ..Respondent.

None for applicant.

Mr.S.R.Nargolkar for respondent No.1.

**CORAM : V.C.DAGA, J.**

**DATED : 18TH APRIL, 2006.**

**P.C. :-**

None for the applicant.

2. Perused application dated 5/8/2003. The complaint in the application appears to be that in spite of the directions of this Court, the applicant was not heard by the registry before accepting the security. Applicant has prayed for ex-parte interim relief. Application is pending since 5/8/2003. No efforts were made to get the matter circulated before the Court; so as to obtain interim relief or order. With the result, the order accepting surety has operated and amounts were

released.

3. The application under consideration, for the first time, came before the learned Single Judge of this Court (A.S.Oka,J.) on 20th January, 2006 who was pleased to direct the Registrar (Judicial-I) to submit report. Accordingly, report has been placed on record.

4. In the above report, it is submitted that the security offered and accepted has been valued at Rs.4,70,175/- i.e. more than two lacs of rupees. Amount has been released against this security. In this view of the matter, it was expected on the part applicant to seek appropriate orders from this Court. In absence of appropriate prayer, clock cannot be put back. The present application has become infructuous rather it is misplaced.

5. Civil Application is, therefore, rejected with no order as to costs.

*******